IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

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**WRIT PETITION NO : 8178 of 2004**

Between:

Rudhavath Laxmitulasi W/o Surender, H. No. 1-4-249/43 New Bus Stand, Suryapet, Nalgonda District

**..... PETITIONER**

AND

1 A. Surender S/o Anjaiah
Peddarpalli, Shasabgutta, Mahaboobnagar
2 Devath Gulab Singh, Inspector of Police, Police Centrol Room Basheer Bagh, Hyderabad
3 Sub Inspector of Police, II Town Police Station Mahaboobnagar
4 Inspector of Police, Railway Police Station, Mahaboobnagar

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly a Writ, of Mandamus declaring the action of the respondents 2 to 4 in registering the cases against the petitioner and her family members without making preliminary enquiry as illegal, arbitrary and contrary to law.

**Counsel for the Petitioner: MR.T.PRADYUMNA KUMAR REDDY**

**Counsel for the Respondent No.1: ------**

**Counsel for the Respondent Nos.2 to 4: GP FOR HOME**

**The Court at the admission stage made the following:**

**ORDER:**

This writ petition is filed by the petitioner, who is stated to be the wife of first respondent, alleging that respondents 2 to 4 are registering the cases at the instance of first respondent and harassing her.

2. According to the petitioner, the official respondents are registering the cases without conducting even preliminary enquiries, in view of the fact that the petitioner made a complaint and a case was registered under Section 498 (A) of I.P.C. against the first respondent. The petitioner also stated that she is residing in Suryapet, Nalgonda District and the cases are being registered at Mahaboobnagar by respondents 3 and 4, making her to go to Mahaboobnagar to attend before the Magistrate Court. According to the petitioner, C.C.No.71 of 2003 on the file of Judicial First Class Magistrate, Mahaboobnagar, was registered on the complaint of the first respondent, alleging that the petitioner and her mother abused him in filthy language. Similarly, Cr.No.70 of 2003 was registered on the complaint of the first respondent against the petitioner, her mother and sister's son under Sections 440, 448, 324 read with 34 IPC. Similarly, on the complaint of the first respondent, C.C.No.117 of 2003 was also registered by the Railway Court, Secunderabad, for the offences punishable under Sections 324, 504 and 506 read with Section 34 IPC on the allegation that when the first respondent was traveling in train on 24.09.2004, the petitioner, her mother, her sister and two others beat him in the Railway compartment even though no such incident had ever taken place. It is also stated that the fourth respondent, without even properly conducting enquiry, filed a charge sheet and got

issued Non-Bailable Warrants (NBWs) against the petitioner and others, and arrested the petitioner at 1.00 am on 05.03.2004 and produced before the Judicial First Class Magistrate Railway Court, Secunderabad. It is stated that the petitioner, her mother and sister are very poor and are not able to tolerate the harassment caused by the first respondent through the assistance of the respondents 2 to 4. Therefore, the petitioner has come up with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

4. In view of the serious allegations made by the petitioner that the petitioner, her mother and sister and her other relatives are being harassed by respondents 2 to 4 at the instance of the first respondent, the writ petition is disposed of directing respondents 2 to 4 not to register any case against the petitioner or any of her family members on the complaint of the first respondent, unless the same is thoroughly investigated into and a case is made out of it.

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15.07.2004

VGB

To

1 The Inspector of Police, Police Centrol Room Basheer Bagh, Hyderabad
2 Sub Inspector of Police, II Town Police Station Mahaboobnagar
3 Inspector of Police, Railway Police Station, Mahaboobnagar

4 2CCs to the Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT)

5 2CD copies